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and Happy Hour Media Group, LLC

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DIAMOND RESORTS CORPORATION, a
Maryland corporation,

Plaintiffs,

vs.

REED HEIN & ASSOCIATES, LLC, d/b/a
TIMESHARE EXIT TEAM, a Washington limited
liability company; BRANDON REED, an individual
and citizen of the State of Washington; TREVOR
HEIN, an individual and citizen of Canada;
THOMAS PARENTEAU, an individual and citizen
of the State of Washington; HAPPY HOUR MEDIA
GROUP, LLC, a Washington limited liability
company; MITCHELL REED SUSSMAN, ESQ.
d/b/a THE LAW OFFICES OF MITCHELL REED
SUSSMAN & ASSOCIATES, an individual citizen
of the State of California; SCHROETER,
GOLDMARK & BENDER, P.S. A Washington
professional services corporation; and KEN B.
PRIVETT, ESQ., a citizen of Oklahoma,

Defendants.

Case No.: 2:17-cv-03007-APG-VCF

**STIPULATION AND ORDER TO
EXTEND PLAINTIFF'S
DEADLINE TO FILE SECOND
AMENDED COMPLAINT AND
DEFENDANTS' RESPONSES TO
FIRST AMENDED COMPLAINT
[ECF NO. 59]**

**STIPULATION AND ORDER TO EXTEND PLAINTIFF’S DEADLINE TO FILE
SECOND AMENDED COMPLAINT AND DEFENDANTS’ RESPONSES TO FIRST
AMENDED COMPLAINT [ECF NO. 59]**

Pursuant to Local Rules 6-1 and 7-1, Plaintiff DIAMOND RESORTS CORPORATION (“DRC”), and Defendants REED HEIN & ASSOCIATES, LLC d/b/a TIMESHARE EXIT TEAM, BRANDON REED, TREVOR HEIN, THOMAS PARENTEAU (collectively, “TET Defendants”), HAPPY HOUR MEDIA GROUP, LLC (“HHMG”), MITCHELL REED SUSSMAN, ESQ. d/b/a THE LAW OFFICES OF MITCHELL REED SUSSMAN & ASSOCIATES (“Sussman”), SCHROETER GOLDMARK & BENDER, P.S. (“SGB”), and KEN B.. PRIVETT, ESQ. (“Privett”), by and through their respective attorneys of record, stipulate as stated below. TET Defendants, HHMG, Sussman, SGB, and Privett are collectively referred to as “Defendants”. DRC and Defendants are collectively referred to herein as the “Parties”.

STIPULATION

1. DRC, Diamond Resorts International, Inc. (“DRI”), Diamond Resorts U.S. Collection Development, LLC (“DRUSCD”), and Diamond Resorts Management, Inc. (“DRM”) (collectively, “Diamond”) filed an Amended Complaint on January 4, 2019 [ECF No. 59].

2. On February 28, 2019, TET Defendants filed a partial Motion to Dismiss the Amended Complaint [ECF No. 87] and HHMG filed a Motion to Dismiss the Amended Complaint [ECF No. 88].

3. On March 25, 2019, Diamond filed responses in opposition to the Motions to Dismiss filed by TET Defendants and HHMG [ECF Nos. 96 & 97].

4. April 8, 2019, TET Defendants filed a Reply in Support of their partial Motion to Dismiss [ECF No. 101]. That same day, HHMG filed a Reply in Support of its Motion to Dismiss [ECF No. 100].

5. On November 25, 2019, this Court filed an Order Granting in Part and Denying in Part TET Defendants and HHMG’s Motions to Dismiss (hereinafter, the “Order”) [ECF No. 141].

6. The Order dismissed Diamond’s Nevada Deceptive Trade Practices Act (“NDTPA”) claim (Count VI) without prejudice, as well as dismissed DRI, DRUSCD, and DRM as plaintiffs, without prejudice.

7. This Court further ordered that Diamond may file an amended complaint by December 23, 2019 to properly plead the NDTPA claim, and to address standing of DRI, DRUSCD, and DRM to bring suit.

8. Counsel for Diamond has indicated to counsel for Defendants that it intends to file a Second Amended Complaint. Further, Diamond’s counsel requests an extension of twenty-one (21) days from December 23, 2019 to file the Second Amended Complaint in order to accommodate holiday travel schedules.

9. In order to maximize judicial efficiency and preserve resources of the Court and the Parties, the Parties have agreed that it does not make sense for Defendants to address the remaining portions of the current First Amended Complaint when a Second Amended Complaint is expected to be filed and will require a separate response from Defendants.

10. Defendants do not oppose DRC filing the Second Amended Complaint twenty-one (21) days after the court-ordered deadline.

11. DRC does not oppose the TET Defendants and HHMG waiting to file a response until thirty (30) days after the Second Amended Complaint is filed.

12. Accordingly, DRC will file the Second Amended Complaint on January 13, 2020, and Defendants will file a response to the anticipated Second Amended Complaint on February 12, 2020.

13. This stipulation is not made for purposes of delay, but rather to maximize judicial efficiency.

14. Therefore, the Parties agree that: Defendants will not file responses to the First Amended Complaint; DRC’s deadline to file the Second Amended Complaint is extended to January 13, 2020; and Defendants’ responses to the anticipated Second Amended Complaint will be due on February 12, 2020.

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1 15. In the event that Diamond elects not to file a Second Amended Complaint,
2 Defendants will respond to the remaining portions of the First Amended Complaint by February
3 12, 2020.

4 DATED this 18th day of December, 2019.

5 Respectfully Submitted By:

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LLP

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/s/ Robert S. Larsen

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IT IS SO ORDERED



UNITED STATES MAGISTRATE JUDGE

DATED: 12-20-2019